

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**ASTELLAS INSTITUTE FOR
REGENERATIVE MEDICINE, and STEM
CELL & REGENERATIVE MEDICINE
INTERNATIONAL, INC.,**

Plaintiffs,

v.

**IMSTEM BIOTECHNOLOGY, INC.,
XIAOFANG WANG, and REN-HE XU,**

Defendants.

C.A. NO. 1:17-cv-12239-ADB

**ASSENTED TO PLAINTIFFS' MOTION FOR LEAVE TO FILE A REPLY TO
DEFENDANTS OPPOSITION TO PLAINTIFFS' MOTION TO DISMISS IMSTEM'S
AND XIAOFANG WANG'S COUNTERCLAIMS**

Plaintiffs Astellas Institute for Regenerative Medicine ("Astellas"), and Stem Cell & Regenerative Medicine International, Inc. ("SCRMI") (collectively, "Astellas") move for leave to file a Reply in support of its Motion to Dismiss Defendants ImStem's and Xiaofang Wang's Counterclaims. Astellas respectfully requests that the Court grant Plaintiffs leave to file an eight (8) page Reply Brief (attached hereto as Exhibit A).

In support of the motion, Astellas states as follows:

1. On January 31, 2018, Astellas filed its Motion to Dismiss Defendants ImStem's and Xiaofang Wang's Counterclaims. (D.I. 22.)
2. On February 15, 2018, the Court granted Defendants ImStem's and Xiaofang Wang's assented-to motion to extend the deadline for their opposition by thirty (30) days to March 16, 2018. (D.I. 27.)

3. On March 16, 2018, Defendants ImStem and Xiaofang Wang filed their Opposition. (D.I. 28.)

4. Astellas proposes that it be given leave to file the attached Reply, which is limited to eight (8) pages. Astellas' Reply responds directly to arguments made in Defendants ImStem's and Xiaofang Wang's Opposition, including their assertion that the claims would have been obvious if Dr. Wang is not considered an inventor and their argument that purported factual issues preclude resolution of their counterclaims at the motion to dismiss stage.

5. Defendants ImStem and Xiaofang Wang do not oppose the filing of this motion.

WHEREFORE, Astellas requests that the Court grant its Motion for Leave to File a Reply to Defendants Opposition to Motion to Dismiss Imstem's and Xiaofang Wang's Counterclaims.

Date: March 29, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2018, I caused a true copy of the foregoing document to be served upon all counsel of record via the Court's CM/ECF electronic filing system.

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